

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE:

APPLICANT: WILFRIED SÖKER

ART UNIT:

U.S. FILING DATE:

EXAMINER:

U.S. S.N.:

PRIORITY APPLN. NO: DE 200 21 396.2

PRIORITY DATE: December 18, 2000

FOR: INDICATING DEVICE

ATTY. DOC. 195.41

BOX PATENT APPLICATION
Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Sir:

Kindly make all of the amendments to the English language translation of the German Application as set forth in the substitute specification enclosed herein. These amendments, which are more fully described in the Remarks contained hereinbelow, include a request to insert certain headings and sub-headings which conform to USPTO specification procedure. Further, a request is hereby made to cancel all of the claims of the German Application (claims 1-10) and insert new claims

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11-25. The substitute specification is included since all amendments are made by way of inserting substituted pages. Accordingly, whereas the English language translation of the German Application includes pages 1-6, the substituted specification includes pages 1-15.

Remarks

Applicant is filing a non-provisional U.S. utility patent application which bases priority under 35 U.S.C. §119 to German Application No. 200 21 396.2, filed on December 18, 2000 (Certified Copy of the German priority document is enclosed). Applicant encloses an English translated specification since the original priority application was filed in German. Applicant sets forth that nothing that could be construed as any new matter was added to the application in preparing the English translation. In support of such, Applicant encloses a "Declaration" wherein the translator sets forth that to the best of his knowledge, the English specification is a true and complete translation of German Application DE 200 21 396.2.

Applicant makes certain amendments to the English translated specification, by way of enclosing a substitute specification, merely to have the present application comply with USPTO practice and procedure. In particular, Applicant has inserted the following headings: **Prior Applications** (with

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language identifying such prior applications), **Background of the Invention**, **Field on Invention** and **Description of the Prior Art** on page 1 of the substitute specification, **Summary of the Invention** on page 3 of the substitute specification and **Description of the Drawings** and **Detailed Description of the Preferred Embodiment** on page 7 of the substitute specification. Applicant has further added "preamble" language directly underneath the **Claims** heading found on page 12 of the substitute specification. Finally, Applicant has inserted an **Abstract**, placed on a separate sheet and found on page 15 of the substitute specification, since none was included with the German priority application. Applicant respectfully points out that none of the aforementioned amendments, including the newly drafted **Abstract** and **Claims**, could be construed as the introduction of new any subject matter.

Applicant has canceled claims 1-10 of the German priority application from the English translated specification and has substituted a new set of claims numbered 11-25 which are found on pages 12-14 of the substitute specification. This was done to eliminate "multiple dependent" claims used in the German priority application and to place the claims in a form that complies with USPTO procedure. Applicant requests that the *filing fee be calculated based upon the new set of claims of*

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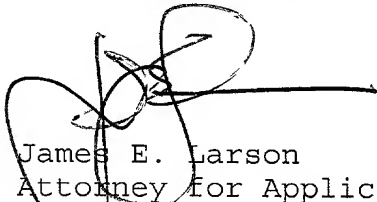
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the substitute specification numbered 11-25 wherein NO
MULTIPLE DEPENDENT CLAIMS are used, only one independent claim
is included and the total number of claims is 15. Again,
nothing in the new set of claims could be construed as the
introduction of new subject matter.

Applicant finally wishes to point out that the
aforementioned amendments, and in particular the addition of
the new set of claims, was done to better encompass the full
scope and breadth of the invention. Notwithstanding,
Applicant believes that the claims of the German application
would have been allowable as filed if not canceled in this
Preliminary Amendment. Accordingly, Applicant asserts that no
claims in the substitute specification have been narrowed
within the meaning of *Festo Corp. Shoketsu Kinzoku Kogyo*
Kabushiki Co., 234 F.3d 558 (Fed Cir. Nov. 29, 2000).

Respectfully Submitted,

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